

## Department of Planning and Budget 2011 Fiscal Impact Statement

**1. Bill Number:** SB925

**House of Origin**     Introduced     Substitute     Engrossed  
**Second House**     In Committee     Substitute     Enrolled

**2. Patron:** McDougle

**3. Committee:** Senate Courts of Justice

**4. Title:** Protective orders; GPS devices.

**5. Summary:** Authorizes a judicial officer to require that a protective order respondent be subject to GPS monitoring that notifies the person to be protected and law enforcement when the monitored person is in violation of the order. The cost of the monitoring is to be paid by the monitored person.

**6. Budget Amendment Necessary:** Yes, Item 381

**7. Fiscal Impact Estimates:** Preliminary (see Item 8)

**8. Fiscal Implications:** This bill requires the Department of Criminal Justice Services (DCJS) to develop a regulatory program and the rules needed for the dissemination and monitoring of GPS devices used to track protective order respondents. Additionally, the legislation mandates that the agency will, through a procurement process, certify GPS devices for use in the Commonwealth and compile a list of qualified GPS providers. Under this legislation, DCJS would have to implement on-going regulatory oversight of GPS contracts and would also be responsible for the establishment and accountability of a fund for indigent respondents. The legislation envisions that the GPS vendors would through contract provisions provide funding for the indigent fund.

DCJS is not currently involved in the use, monitoring, and regulation of GPS devices. According to DCJS, the new responsibilities stemming from this legislation would necessitate adding several staff positions to manage the process. If the oversight and responsibility is primarily at the local level and the DCJS responsibility is to develop rules and policies for localities to follow, a minimum of three new positions and the funding to oversee and coordinate this new program would be needed. The hiring of two mid-level professionals and one fiscal technician would have an estimated total cost of \$225,000 annually. The agency has unfilled FTE's so no new FTE's are required. The stated fiscal impact reflects the agency costs to manage the regulatory program, an on-going vendor contracting process and the vendor certification process.

**9. Specific Agency or Political Subdivisions Affected:** DCJS, localities

**10. Technical Amendment Necessary:** No

**11. Other Comments:** The Department of Corrections (DOC) currently manages statewide contracts for GPS in Virginia. Although DOC does not promulgate regulations, it does have “operating procedures” in place that provide guidance to state probation and parole staff on the use of GPS and other types of offender monitoring.

This legislation is silent as to what role local entities would play in administering and monitoring the GPS devices. In addition, there are questions as to how the GPS units will be serviced, deployed to respondents, and collected when no longer required along with the issue of training and technical assistance to users and local supervisors. Because DCJS is a central staff agency, the agency does not have local component units to facilitate the implementation of this legislation. The local cost of implementation on a statewide basis is unknown. In terms of order of magnitude, the Virginia State Police indicates there were approximately 84,000 protective orders issued last year in the Commonwealth of Virginia.

**Date:** January 24, 2011

**Document:** G:\2011 FIS\SB925.Doc Reginald Thompson

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